IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 15618 of 2005

Between:

1. Sri Varaha Educational Society, 49-4012/9, Srikara Enclave, NGO's Colony, Akkayapalem, Visakhapatnam, rep. by its Secretary Sri Venkateswar Reddy, S/o. Sambi Reddy.

2. Sarada College of Pharmaceutical Sciences Kondakavuru (post) Narasaraopet, Mandal, Guntur District rep. by its Secretary, Sri Sambi Reddy.

..... PETITIONERS

AND

1. The Govt of A.P., rep. by its Principal Secretary, Higher Education Department, Secretariat, Hyderabad.

2. Commissioner & Directorate of Technical Education, A.P., Hyderabd.

3. All India Council for Technical Education, Indira Gandhi Sport Complex, I.P. Estate, New Delhi, rep. by its Secretary.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order, direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents 1 & 2 in not granting permission to the petitioners by recognizing the approval granted by the 3rd respondent in proceedings F.No.06/05/AP/PHAR/2004/29 dt. 30.6.2005 and in not including the petitioners Sarada College of Pharmaceutical Sciences, Kondakavuru (post) Narasaraopet Mandal, Guntur District in the list of approved institutions for the purpose of making admissions for the academic year 2005-2006 as being illegal,

arbitrary, unconstitutional and violative of the provisions of AICTE At and consequently direct the respondents to recognize the approval granted by the 3rd respondent by granting permission and permit the petitioner to run its pharmacy College without any interference.

Counsel for the Petitioners: MR.S.NIRANJAN REDDY

Counsel for the Respondent Nos.1 and 2: GP FOR HIGHER EDUCATION

Counsel for the Respondent No.3: KUM.C.SINDHU KUMARI

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioners aggrieved by the action on the part of the respondents 1 and 2 in not granting recognition in respect of the approval granted by the third respondent i.e., All India Council for Technical Education (AICTE).

According to the petitioners, in response to the application made by the first petitioner, the Government issued 'No Objection Certificate' and thereafter, the third respondent has considered and granted approval by proceedings dated 30.06.2005. However, in order to get the students allotted the petitioners are required to get recognition from the State Government. Therefore, the first petitioner made an application on 14.07.2005. However, as the respondents 1 and 2 did not pass any orders granting recognition and as the counselling is scheduled from 27.07.2005, the petitioners have come up with the present writ petition.

At the time of hearing, it is represented by the learned Government Pleader that in view of the policy of the Government which was made in its proceedings dated 14.12.2004, the State Government declines to grant any permissions or recognitions to any new Engineering and B.Pharmacy Colleges in view of the left over seats in respect of the existing colleges. Therefore, it is stated that the petitioners are not entitled for the relief sought for.

However, at the time of hearing, it is represented by the learned counsel for the petitioners that the proceedings of the Government dated 14.12.2004 not to grant permission to any new Engineering and B.Pharmacy Colleges was the subject matter in a batch of writ

petitions in W.P.No.3179 of 2005 and batch, which were disposed of by this Court on 28.06.2005. This Court, while disposing of the said writ petitions, set aside the Memo issued by the Government dated 14.12.2004 as illegal. In the light of the judgment of this Court, the respondents have to issue permission and they cannot refuse to grant recognition when once the second petitioner is granted approval by the AICTE.

Though the learned Government Pleader, at the time of hearing, stated that the State Government is proposing to file SLP, but on that count the respondents cannot refuse to grant recognition. It is always open to the respondents to grant recognition subject to the outcome of the appeal, if any, filed by them.

In the above circumstances, the writ petition is disposed of directing the second respondent to pass appropriate orders granting recognition to the second petitioner expeditiously, preferably within a period of two weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

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21.07.2005

VGB

To

1. The Principal Secretary, Govt. of A.P., Higher Education Department, Secretariat, Hyderabad.
2. The Commissioner & Directorate of Technical Education, A.P., Hyderabd.
3. The Secretary, All India Council for Technical Education, Indira Gandhi Sport Complex, I.P. Estate, New Delhi, rep. by its Secretary.
4. 2CCs to the Government Pleader for Higher Education, High Court Buildings, Hyderabad. (OUT)

5. 2CD copies.